

37 C.F.R. 1.63  
**INVENTOR'S DECLARATION FOR PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

As a below named inventor, I hereby declare that my residence, mailing address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**THERAPY FOR CEREBRAL VASOSPASM**

the specification of which (check applicable box(es)):

- ☐ is attached hereto  
☒ was filed on February 14, 2002 as U.S. Application Serial No. 10/074,250 (Atty. Dkt. No. 1579-637)  
☐ was filed as PCT International application No. on  
and (if applicable to U.S. or PCT application) was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

Priority Foreign Application(s):

Application Number

Country

Day/Month/Year Filed

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

Application Number

Date/Month/Year Filed

60/268,368

14 February 2001

I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed above or below.

Prior U.S./PCT Application(s):

Status: patented

Application Serial No.

Day/Month/Year Filed

pending, abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. And on behalf of the owner(s) hereof, I hereby ask that all communications in this matter be directed to:  
**NIXON & VANDERHYE P.C., 1100 North Glebe Rd., 8<sup>th</sup> Floor, Arlington, VA 22201-4714, telephone number (703) 816-4900.**

1. Inventor's Signature: [Signature] Date: 4/25/02  
Inventor: Laura E. Niklason U.S.A.  
(first) MI (last) (citizenship)  
Residence: (city) Hillsborough (state/country) North Carolina  
Mailing Address: 3301 Carriage Tr., Hillsborough, North Carolina  
(Zip Code) 27278
2. Inventor's Signature: [Signature] Date: 03/25/02  
Inventor: Andy McKee U.S.A.  
(first) MI (last) (citizenship)  
Residence: (city) Durham (state/country) North Carolina  
Mailing Address: c/o DUKE UNIVERSITY, P.O. Box 90083, Durham, North Carolina  
(Zip Code) 27708-0083
3. Inventor's Signature: [Signature] Date: 3/25/02  
Inventor: Cecil Borel U.S.A.  
(first) MI (last) (citizenship)  
Residence: (city) Chapel Hill (state/country) North Carolina  
Mailing Address: 3809 Stoney Creek Road, Chapel Hill, North Carolina  
(Zip Code) 27514

FOR ADDITIONAL INVENTORS, check box ☐ and attach sheet with same information and signature and date for each.

Applicant or Patentee: NIKLASON et al.

Serial or Patent No.: 10/074,250

Filed or Issued: February 14, 2002

For: \_\_\_\_\_

OMB NO. 0651-0011 (12/3/86)

Attorney's

Dkt. No.: 1579-637

**THE THERAPY FOR CEREBRAL VASOSPASM**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.27(a)(3)) -  
NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION DUKE UNIVERSITY

ADDRESS OF ORGANIZATION Durham, North Carolina 27708-0083

**TYPE OF NONPROFIT ORGANIZATION**

- ☒ University or other institution of higher education  
☐ Tax exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3))  
☐ Nonprofit scientific or educational under statute of state of The United States of America  
(Name of state \_\_\_\_\_)  
(Citation of statute \_\_\_\_\_)  
☐ Would qualify as tax exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3)) if located in the United States  
☐ Would qualify as nonprofit scientific or educational under statute of state of The United States of America if located in The United States of America  
(Name of state \_\_\_\_\_)  
(Citation of statute \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.27(a)(3) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ application identified above.  
☐ the patent identified above.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention. If the rights held by the nonprofit organization are not exclusive, each person, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person who could not qualify as a person under 37 CFR 1.27(a)(1), or by any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2), or a nonprofit organization under 37 CFR 1.27(a)(3).

Name \_\_\_\_\_

Address \_\_\_\_\_

☐ Person ☐ Small Business Concern ☐ Nonprofit Organization

Name \_\_\_\_\_

Address \_\_\_\_\_

☐ Person ☐ Small Business Concern ☐ Nonprofit Organization

\*Separate verified statement is requested from each person, concern or organization named immediately above having rights to the invention, averring to his/her/its status as a small entity. (37 CFR 1.27)

I acknowledge the duty to file, in this application of patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.27(g)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF INDIVIDUAL SIGNING Robert L. Taber

TITLE IN ORGANIZATION Vice Chancellor of Science & Technology Development

ADDRESS OF INDIVIDUAL SIGNING 2020 W. Main St. Suite 10

SIGNATURE \_\_\_\_\_

DATE March 29, 2002

#3

Nixon & Vanderhye P.C.  
1100 North Glebe Road  
Eighth Floor  
Arlington, VA 22201-4714

Attorney Dkt: 1579-637

A S S I G N M E N T  
of U.S. Origin Patent Application

- 1) Laura E. Niklason
- 2) Andy McKee
- 3) Cecil Borel

(hereinafter collectively ASSIGNOR), have made an invention known as Dkt. **1579-637** and entitled: **THERAPY FOR CEREBRAL VASOSPASM** for which an application for Letters Patent of the United States ☐ was executed even date herewith and is about to be filed in the United States Patent and Trademark Office; ☒ was filed on **February 14, 2002**, Appln. No. **10/074,250**, which claims priority from provisional Appln. No. **60/268,368**, filed **February 14, 2001**;

AND WHEREAS DUKE UNIVERSITY, Durham, North Carolina 27708-0083

(hereinafter ASSIGNEE), desires to acquire an interest therein;

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the said ASSIGNOR, does hereby sell, assign and transfer unto ASSIGNEE, its entire right, title and interest to the said invention in the aforesaid application, and to the said application and to all continuations, divisions, reissues and substitutes of said application, and foreign counterparts thereof, together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-American Convention Relating to Patents, Designs and Industrial Models, and any

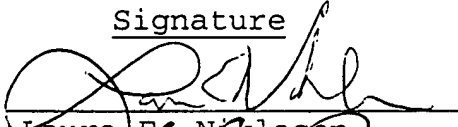

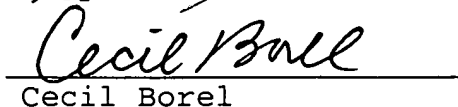
other international agreements to which the United States of America adheres, and ASSIGNOR hereby authorizes and requests the Commissioner of Patents to issue said Letters Patent to ASSIGNEE, for its interest as ASSIGNEE, its successors, assigns and legal representatives. It is understood and agreed that ASSIGNEE'S attorneys Nixon & Vanderhye P.C. have represented only ASSIGNEE and will continue to represent only ASSIGNEE with respect to this invention.

AND ASSIGNOR hereby agrees to execute any papers requested by ASSIGNEE, its successors, assigns and legal representatives, deemed essential to ASSIGNEE's full protection and title in and to the invention hereby transferred.

ASSIGNOR furthermore agrees upon request of said ASSIGNEE, and without further remuneration, to execute any and all papers desired by said ASSIGNEE for the filing and granting of foreign applications and the perfecting of title thereto in said ASSIGNEE.

The undersigned hereby authorize(s) Nixon & Vanderhye P.C. of the above address to insert hereon any further identification necessary or desirable for recordation of this document.

Executed on the date(s) below indicated.

	<u>Signature</u>	<u>Date Signed</u>	<u>Witness</u>
1)	 Laura E. Nicklason	4/25/02	Cindy Jeans
2)	 Andy McKee	03/25/02	Cindy Jeans
3)	 Cecil Borel	3/25/02	Cindy Jeans